

**CONVEYANCE OF LANDS AND DISPOSAL OF IMPROVEMENTS**

24 VAC 30-540-10. Policy.

It is the policy of VDOT to convey residue and surplus lands based upon highest and best use.

VDOT classifies residue and surplus land in two ways:

1. Residue and Surplus land suitable for independent development;
2. Residue and Surplus lands assembled with adjacent properties.

Upon the approval to dispose of land, the locality in which the land is located shall be notified in writing of VDOT's interest in accordance with § 33.1-223.2:2 of the Code of Virginia once all previous landowner obligations have been satisfied.

24 VAC 30-540-20. Land for independent development.

A. Residue and Surplus land with the potential of independent development and with a definite market value will be offered for public sale after the land has been offered to the original former property owner at fair market value.

B. Exceptions in the best interests of the Commonwealth are when:

1. ~~the~~ Transfer of property is included in negotiations for other lands needed for right-of-way.
2. Another state agency or locality expresses a need for such property and is willing to acquire same for a consideration deemed satisfactory to the ~~State Right of Way Engineer~~ Director of Right of Way and Utilities.

24 VAC 30-540-30. Land assembled with adjacent properties.

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A. Certain surplus lands ~~are~~ is unsuitable for independent development and therefore ~~are~~ is only usable for assemblage with ~~the~~ adjacent property.

B. Whenever VDOT conveys land or an interest in land to owners of record of adjoining lands, one of the following actions is required to verify and confirm adjacent ownership:

STEP	ACTION
1	Owners of record must furnish the Right of Way <u>and Utilities</u> Division with an affidavit signed by one or more of the owners. This affidavit must certify the exact manner and names in which title to adjoining lands stands in the local courthouse records.
2	Certification of title from the adjacent landowner's attorney may be required by the Chief Engineer or <del>State Right of Way Engineer</del> <u>Director of Right of Way and Utilities</u> if: substantial road frontage is involved; and <del>when</del> liens or deeds of trust exist on the adjacent property.

Upon satisfying the above, the ~~commissioner~~ Commonwealth Transportation Commissioner will execute the deeds in accordance with ~~Code~~ §§ 33.1-93, 33-1-149, and 33.1-154 of the Code of Virginia.

24 VAC 30-540-40. Disposal of improvements.

The Commonwealth Transportation Board (CTB) grants to the ~~commissioner~~ Commonwealth Transportation Commissioner the power to dispose of improvements located on and acquired with any right-of-way in such manner as he may deem most expedient and in the best interest of the Commonwealth.